

from an Auction 35 winning bidder that has made the election described in section 1, the Commission shall refund deposit or downpayment made with respect to a winning bidder for the license that is the subject of the election.

SEC. 3. COMMISSION TO ISSUE PUBLIC NOTICE.

(a) PUBLIC NOTICE.—Within 5 days after the date of enactment of this Act, the Commission shall issue a public notice specifying the form and the process for the return of deposits and downpayments under section 2.

(b) TIME FOR ELECTION.—An election under this section is not valid unless it is made within 30 days after the date of enactment of this Act.

SEC. 4. WAIVER OF PAPERWORK REDUCTION ACT REQUIREMENTS.

Section 3507 of title 44, United States Code, shall not apply to the Commission's implementation of this Act.

SEC. 5. NO INFERENCE WITH RESPECT TO NEXTWAVE CASE.

It is the sense of the Congress that no inference with respect to any issue of law or fact in Federal Communications Commission v. NextWave Personal Communications, Inc., et al. (Supreme Court Docket No. 01-653) should be drawn from the introduction, amendment, defeat, or enactment of this Act.

SEC. 6. DEFINITIONS.

In this Act:

(1) AUCTION 35.—The term "Auction 35" means the C and F block broadband personal communications service spectrum auction of the Commission that began on December 1, 2000, and ended on January 6, 2001, insofar as that auction related to spectrum previously licensed to NextWave Personal Communications, Inc., NextWave Power Partners, Inc., or Urban Comm North Carolina, Inc.

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission or a bureau or division thereof acting on delegated authority.

(3) WINNING BIDDER.—The term "winning bidder" means any person who is entitled under Commission order FCC 02-99 (released March 27, 2002), to a refund of a substantial portion of monies on deposit for spectrum formerly licensed to Nextwave and Urban Comm as defined in that order.

The bill (S. 2869), as amended, was read the third time and passed.

DAM SAFETY AND SECURITY ACT OF 2002

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 617, H.R. 4727.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4727) to reauthorize the national dam safety program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4727) was read the third time and passed.

NORTH AMERICAN WETLANDS CONSERVATION REAUTHORIZATION ACT

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to Calendar No. 692, H.R. 3908.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3908) to reauthorize the North American Wetlands Conservation Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works with amendments, as follows:

[Strike the parts shown in boldface brackets and insert the parts shown in italic.]

H.R. 3908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "North American Wetlands Conservation Reauthorization Act".

SEC. 2. AMENDMENT OF NORTH AMERICAN WETLANDS CONSERVATION ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.).

SEC. 3. FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDING.—Section 2(a)(1) (16 U.S.C. 4401(a)(1)) is amended by striking "and other habitats" and inserting "and associated habitats".

(b) PURPOSES.—Section 2(b) (16 U.S.C. 4401(b)) is amended—

(1) in paragraph (1) by striking "and other habitats for migratory birds" and inserting "[and associated habitats for wetland dependent migratory birds] and habitats associated with wetland ecosystems";

(2) in paragraph (2) by inserting "wetland [dependent associated]" before "migratory bird"; and

(3) in paragraph (3)—

(A) by inserting "wetland [dependent] associated" before "migratory birds"; and

(B) by inserting ", the United States Shorebird Conservation Plan, the North American Waterbird Conservation Plan, the Partners In Flight Conservation Plans," after "North American Waterfowl Management Plan".

SEC. 4. DEFINITION OF WETLANDS CONSERVATION PROJECT.

Section 3(9) (16 U.S.C. 4402(9)) is amended—

(1) in subparagraph (A) by inserting "of a wetland ecosystem and associated habitat" after "including water rights"; and

(2) in subparagraph (B) by striking "and other habitat" and inserting "and associated habitat".

SEC. 5. REAUTHORIZATION.

Section 7(c) (16 U.S.C. 4406(c)) is amended by striking "not to exceed" and all that follows and inserting "not to exceed—

"(1) \$55,000,000 for fiscal year 2003;

"(2) \$60,000,000 for fiscal year 2004;

"(3) \$65,000,000 for fiscal year 2005;

"(4) \$70,000,000 for fiscal year 2006; and

"(5) \$75,000,000 for fiscal year 2007.".

SEC. 6. ALLOCATION.

Section 8(a) (16 U.S.C. 4407(a)) is amended—

(1) in paragraph (1)—

(A) by striking "(but at least 50 per centum and not more than 70 per centum thereof)" and inserting "[but at least 25 percent and not more than 50 percent thereof]" (but at least 30 percent and not more than 60 percent); and

(B) by striking "4 per centum" and inserting "4 percent"; and

(2) in paragraph (2) by striking "(but at least 30 per centum and not more than 50 per centum thereof)" and inserting "[but at least 50 percent and not more than 75 percent thereof]" (but at least 40 percent and not more than 70 percent)".

SEC. 7. CLARIFICATION OF NON-FEDERAL SHARE OF THE COST OF APPROVED WETLANDS CONSERVATION PROJECTS.

Section 8(b) (16 U.S.C. 4407(b)) is amended by striking so much as precedes the second sentence and inserting the following:

"(b) COST SHARING.—(1) Except as provided in paragraph (2), as a condition of providing assistance under this Act for any approved wetlands conservation project, the Secretary shall require that the portion of the costs of the project paid with amounts provided by non-Federal United States sources is equal to at least the amount allocated under subsection (a) that is used for the project.

"(2) Federal moneys allocated under subsection (a) may be used to pay 100 percent of the costs of such projects located on Federal lands and waters, including the acquisition of inholdings within such lands and waters.

"(3)".

SEC. 8. TECHNICAL CORRECTIONS.

(a) The North American Wetlands Conservation Act is amended as follows:

(1) In section 2(a)(10) (16 U.S.C. 4401(a)(10)), by inserting "of 1973" after "Species Act".

(2) In section 2(a)(12) (16 U.S.C. 4401(a)(12)), by inserting "and in 1994 by the Secretary of Sedesol for Mexico" after "United States".

[(2)] (3) In section 3(2) (16 U.S.C. 4402(2)), by striking "Committee on Merchant Marine and Fisheries of the United States House of Representatives" and inserting "Committee on Resources of the House of Representatives".

[(3)] (4) In section 3(5) (16 U.S.C. 4402(5)), by inserting "of 1973" after "Species Act".

(5) In section 3(6) (16 U.S.C. 4402(6)), by inserting after "1986" the following: ", and by the Secretary of Sedesol for Mexico in 1994, and subsequent dates".

[(4)] (6) In section 4(a)(1)(B) (16 U.S.C. 4403(a)(1)(B)), by striking "section 3(2)(B)" and inserting "section 3(g)(2)(B)".

[(5)] (7) In section 4(c) (16 U.S.C. 4403(c)), in the matter preceding paragraph (1), by striking "Commission" and inserting "Council".

[(6)] (8) In section 5(a)(5) (16 U.S.C. 4404(a)(5)), by inserting "of 1973" after "Species Act".

(9) In section 5(b) (16 U.S.C. 4404(b)), by striking "by January 1 of each year," and inserting "each year".

(10) In section 5(d) (16 U.S.C. 4404(d)), by striking "one Council member" and inserting "2 Council members".

[(7)] (11) In section 5(f) (16 U.S.C. 4404(f)), by striking "subsection (d)" and inserting "subsection (e)".

[(8)] (12) In section 10(1)(C) (16 U.S.C. 4409(1)(C)), by striking "western hemisphere pursuant to section 17 of this Act" and inserting "Western Hemisphere pursuant to section 16".

[(9)] (13) In section 10(1)(D) (16 U.S.C. 4409(1)(D)), by striking the period and inserting "and".

[(10)] (14) In section 16(a) (16 U.S.C. 4413), by striking "western hemisphere" and inserting "Western Hemisphere".

(b)(1) Section 112(1) of Public Law 101-593 (104 Stat. 2962) is amended by striking "and before the period".